

From: ergeorge@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 10:58am
Subject: The proposed MS Antitrust Settlement is INADEQUATE!

The current proposed Microsoft antitrust settlement is completely inadequate to address the abuse of monopoly power that Microsoft has perpetrated in the past decade.

In particular, I feel that the only way to redress this grievance, and open the market to competition is to open the Microsoft APIs and protocols, and to protect all OEMs from microsoft retaliation for shipping systems with competing operating systems.

The open API clause in the existing agreement is flawed on several counts:

- The term "API" is defined so narrowly that several important protocols and platforms are not included at all. The most important of these are the MS Office document formats, and the .NET platform.
- The settlement requires Microsoft to release API documentation but it prohibits competitors from using this documentation to help make their operating systems compatible with Windows. So, what exactly is the point of releasing the APIs, and how would this distinction be enforced?
- MS is not required to release the APIs and documentation before the products are released. This means that competitors are constantly playing catchup, and microsoft can effectively change the rules at will to deliberately destroy compatibility with competing products. I would recommend that the APIs and documentation be publically published, without restriction, at least 3 months prior to the release of any product using those APIs.

On the question of OEMs, the settlement allows microsoft to continue discriminating against small "white box" OEMs that account for a large proportion of system sales. In my opinion, all OEM sales should clearly break out the cost of the operating system from the cost of the hardware, service, etc.

Please do not let this settlement go forward.
Respectfully,

Eric George
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